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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,716	06/26/2003	Marian Rudolf	I-2-0361.IUS	5784
24374 7590 08/31/2010 VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER LU, ZHIYU				
ART UNIT 2618		PAPER NUMBER		
NOTIFICATION DATE 08/31/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eooffice@volpe-koenig.com  
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### Office Action Summary

**Application No.**

10/606,716

**Applicant(s)**

RUDOLF ET AL.

**Examiner**

ZHIYU LU

**Art Unit**

2618

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25, 27-32, 34-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25, 27-32, 34-36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 25, 27-32, 34-36 and 38 have been considered but are moot in view of the new ground(s) of rejection.

Following up discussion in the last interview, amended claims do not render to overcome prior arts because "GPS timing information" is not claimed specific to a particular user. Moreover, both CCPCH RSCP and ISCP are utilized to establish radio resources for a particular user as indicated by prior arts.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 25, 29, 32, 36 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims, applicants claim "code composite physical channel (CCPCH)". But, there is no support filed specification. There is only support for "common control physical channel

(CCPCH)" in paragraph 0017 of published application. For examination purpose, definition from the filed specification for CCPCH is taken.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25, 27-32, 34-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieshout et al. (US2002/0094833) in view of Hwang et al. (US2002/0173314), Fauconnier et al. (US2002/0025820), and Terry et al. (US2003/0016641). Regarding claim 36, Lieshout et al. teach a method for use in a wideband code division multiple access communication system having a first radio network controller RNC and a second radio network controller RNC, the method comprising:

requesting by one of the first RNC (28 of Fig. 3) and the second RNC (26 of Fig. 3) common measurements using a global procedures module of a radio network sublayer application part (RNSAP) procedures over a radio network controller interface (IUR) for another of the first RNC and the second RNC (paragraph 0042, acquiring intelligence from SRNC for power regulation), the common measurements including received total wideband power and load (paragraphs 0014, 0038, received signal strength or percentage of maximum base station transmit power currently being used, and traffic volume);

in response to receiving requests for the common measurements using the global procedures module of the RNSAP procedures from the IUR by the other of the first RNC or the second RNC, sending a response message using the global procedures module of the RNSAP procedures over the IUR (paragraphs 0014-0016, 0042, obvious in acquiring information from SRNC);

the second RNC requesting information from the first RNC using the RNSAP procedures over the IUR (paragraph 0042, information acquired at and provided from the SRNC);

the SRNC in response to receiving the request for information, sending the information to the DRNC using RNSAP procedures over the IUR, wherein the information is utilized to established radio resources for a particular user (paragraph 0042, the particular user is the drifting user equipment, UE).

Note that Lieshout et al. teach the second RNC takes measurements in received signal strength, SIR, etc. for determining transmit power (paragraphs 0038-0040), and taking measurements in power strength and interference (paragraphs 14, 40) when the user equipment (UE) is in established communication with the second RNC.

But, Lieshout et al. do not expressly disclose common measurements including global positioning system (GPS) timing information; and the second RNC requesting measurements from the SRNC using the RNSAP procedures over the IUR, the measurements including received signal code power (RSCP) and interference signal code power (ISCP), wherein the CCPCH RSCP and ISCP measurements are utilized to establish radio resources for a particular user.

Hwang et al. teach that common measurement report is shared among RNCs (Fig. 3, paragraphs 0004, 0021, wherein the bidirectional arrow indicates either RNC can initiate measurement report acquisition at a source RNC), which would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize and incorporate into the method of Lieshout et al. that the second RNC (DRNC) could request measurements from the first RNC (SRNC) for establishing radio resources for a particular drifting user because the measurements are not available at the second RNC prior to communication establishment with the drifting user.

Fauconnier et al. teach common measurements including global positioning system (GPS) timing information (paragraph 0109); and a SRNC sending UE measurements on a DRNC to the DRNC (Figs. 4-6, drifting UE connections with different RNCs, paragraph 0078). Corresponding to Hwang et al.'s teaching in one RNC sharing common measurement among another, it which would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize and modify the DRNC of Lieshout et al. and Hwang et al. into allocate resources based on measurements sent from a second RNC for establishing connection with a drifting UE.

Terry et al. teach common UE measurements for downlink resource allocation including received signal code power (RSCP) of a primary common control physical channel (CCPCH) and interference signal code power (ISCP) (Fig. 3, paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate measurements of RSCP on CCPCH and ISCP for downlink resource

allocation taught by Terry et al. into the method of Leishout et al., Hwang et al., and Fauconnier et al., in order to provide specific information to second for downlink resource allocation.

Regarding claim 25, Leishout et al., Hwang et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) drift radio network controller (DRNC) as explained in response to claim 36 above, where a logic device configured to control a measurement request device is inherent in radio network controller.

Regarding claim 29, Leishout et al., Hwang et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) serving radio network controller (SRNC) as explained in response to claim 36 above, where a measurement response device is inherent in radio network controller.

Regarding claim 32, Leishout et al., Hwang et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) radio network controller (RNC) configured to operate as a serving radio network controller (SRNC) and a drift radio network controller (DRNC) as explained in response to claim 36 above, where a logic device configured to control a measurement request device is inherent in radio network controller.

Regarding claim 38, Leishout et al., Hwang et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) drift radio network controller (DRNC) as explained in response to claim 36 above, where a radio resource management device configured

to use the RSCP and ISCP user measurements to control resources of cells associated with the user measurements is inherent in radio network controller.

Regarding claim 30, Leishout et al., Hwang et al., Fauconnier et al., and Terry et al. teach the limitation of claim 29.

Terry et al. teach the RSCP is the RSCP of a common control channel (paragraph 0008).

Regarding claims 27 and 34, Leishout et al., Hwang et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Leishout et al. teach the measurement request device is configured to receive responses the requests for common measurements and measurements (paragraph 0014).

Regarding claims 28 and 35, Leishout et al., Hwang et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Terry et al. teach a measurement collection device (CQ storage device in base station) for storing the received responses (paragraph 0021)

Regarding claim 31, Leishout et al., Hwang et al., Fauconnier et al., and Terry et al. teach the limitation of claim 29.

Leishout et al. teach the measurement response device is configured to retrieve the user measurements from a measurement collection device (paragraphs 0035, 0043-0044).



***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZHIYU LU whose telephone number is (571)272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu  
Examiner  
Art Unit 2618

/Zhiyu Lu/  
Examiner, Art Unit 2618  
August 25, 2010